

Judge: Christopher M. Alston
Chapter 13 Proceedings
Hearing Date: June 27, 2019
Hearing Time: 9:30 AM
Response Date: June 20, 2019
Location: 700 Stewart Street
Courtroom 7206
Seattle WA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

In re:

EDITHA B. BERNARDO

Debtor.

CHAPTER 13 PROCEEDING
NO. 19-10589

MOTION TO AVOID LIEN OF CREDIT
INTERNATIONAL CORPORATION

NOW COMES, Debtor, Editha B. Bernardo, by and through her attorney, Jonathan Smith, and moves the Court for an Order avoiding the judicial lien of Credit International Corporation on the Debtor's homestead real property, pursuant to 11 U.S.C. § 522(f)(1)(A). Debtor alleges and this Motion are based on the following facts and considerations:

1. The Debtor initially filed for relief under Chapter 13 of the Bankruptcy Code on February 21, 2019.

1. The Debtor is the owner of a parcel of real estate located in Seattle, King County, Washington: (1) commonly described as: 11517 28th Avenue NE, Unit D, Seattle, WA 98125,

Motion to Avoid Lien - 1

ADVANTAGE LEGAL GROUP
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(2) HOMEWOOD PARK ADD PCL E SEATTLE SP #9808580 REC #19990826-900006 SD SP DAF - PCL B SEATTLE LLA 9706702 REC #980514-1829; BEING POR OF LOT 20 & ALL LOT 19 BLK 17 OF SD ADD, and (3) tax parcel number 344800-1767. This property is Debtor's homestead property.

2. Debtor listed this property in her Schedule A of their bankruptcy schedules with a value of \$452,000.00 per King County Tax Assessor's Office.
3. On or around Mach 7, 2011, Credit International Corporation obtained a judgment against debtor, in King County Superior Court, in the amount of approximately \$514.36 per Case Number: 105-11605. Credit International Corporation obtained a judgment lien against the real property located at 11517 28th Avenue NE, Unit D, Seattle, WA 98125. This recorded judgment constitutes as a "judicial lien" under 11 U.S.C. §522(f)(1)(A).
4. The property is currently encumbered by approximately \$328,000.00 in consensual liens, which were incurred prior in time to Credit International Corporation's judicial lien. The first consensual lien is a first position deed of trust in favor of Champion Mortgage, with a principal balance at the time of filing at approximately \$328,000.00 based on the debtor's initial Schedule D at the time of filing. Debtor claimed a homestead exemption.
5. Credit International Corporation's judicial lien impairs the Debtor's homestead exemption in the property, and is fully voidable pursuant to 11 U.S.C §522(f)(2).

PRAYER FOR RELIEF

WHEREFORE, the Debtor is entitled to an Order avoiding the judicial lien of Credit International Corporation in its entirety. A proposed order is attached.

1 Respectfully submitted this 23rd day of May, 2019.

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3 /s/ Jonathan Smith
4 Jonathan Smith, WSBA #27372
5 Attorney for Debtor
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